

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,  
*ex rel.* JOSEPH SEIKEL AND TERENCE SEIKEL,

Plaintiffs-Relators,

v.

Civil Action No. 1:23-CV-1  
(KLEEH)

DAVID B. ALVAREZ, APPLIED CONSTRUCTION  
SOLUTIONS, INC., ENERGY TRANSPORTATION, LLC,  
ENERGY RESOURCE GROUP, LLC, ET360, LLC,  
BEAR CONTRACTING, LLC, BEAR UTILITIES, LLC,  
JASON P. HENDERSON, and JOHN DOES NOS. 1-50,  
FICTITIOUS NAMES,

Defendants.

**NOTICE OF SPECIAL APPEARANCE**

NOW COMES Christopher J. Prezioso, Assistant United States Attorney for the Northern District of West Virginia, *by special appearance*, to give notice that he is appearing on behalf of the United States of America in its capacity as a party-in-interest.

On August 24, 2022, the United States of America did give notice to the United States District Court for the Eastern District of Pennsylvania that it was not intervening in this matter at that time, and that it was continuing to investigate the allegations in this *qui tam* complaint. *See* ECF No. 23. On January 4, 2023, this matter was transferred from the United States District Court for Eastern District of Pennsylvania to this Court. *See* ECF No. 41. As of today's date, the United States of America has not yet determined whether it will intervene in this matter but anticipates its investigation will be concluded in the near future.

Pursuant to 31 U. S. C. § 3730(b)(1), Plaintiffs-Relators may maintain the action in the name of the United States without intervention; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their

reasons for consenting.” *Id.* The United States remains a party-in-interest in this matter, even in its non-intervened state.

I am admitted or otherwise authorized to practice in this Court.

Respectfully submitted,

WILLIAM IHLENFELD  
UNITED STATES ATTORNEY

By: /s/ Christopher J. Prezioso  
Christopher J. Prezioso  
WV Bar No. 9384  
Assistant United States Attorney  
United States Attorney’s Office  
P.O. Box 591  
1125 Chapline Street, Suite 3000  
Wheeling, WV 26003  
Phone: (304) 234-0100  
Fax: (304) 234-0110  
[Christopher.J.Prezioso@usdoj.gov](mailto:Christopher.J.Prezioso@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 19, 2023, I electronically filed the foregoing NOTICE OF SPECIAL APPEARANCE with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Christopher J. Prezioso  
Christopher J. Prezioso  
WV Bar No. 9384  
Assistant United States Attorney  
United States Attorney's Office  
P.O. Box 591  
1125 Chapline Street, Suite 3000  
Wheeling, WV 26003  
Phone: (304) 234-0100  
Fax: (304) 234-0110  
[Christopher.J.Prezioso@usdoj.gov](mailto:Christopher.J.Prezioso@usdoj.gov)